

The regular meeting of the Town Assembly of the Village of Arden was held on September 24, 1984, Chairman William Press presiding.

In attendance were:

Yvonne King	Helen Vinson	D. Holcomb
Jean K. Brachman	Dora Johnson	R. Holcomb
Beatrice Jaffe	Cy Liberman	Mary Trench
Virginia E. Shaw	Alton Dahl	Joan W. Colgan
Helen Macklem	Shaul Gladstone	Thomas El Colgan
William Bindloss	Carolyn Liberman	S.O. Moore
Sarah Hamburger	Gail Rinehart	Russ McKinney
Rae Gerstine	June Kleban	Larry Walker
John Grimaldi	Alida Fish	B.A. Barnett
Bernie Brachman	John Hewlett	E. Shaw, Sr.
Lee Starr	Elizabeth Varley Walker	H.R. Monfort
Stuart Raynolds	Aaron Hamburger	Bob Wynn (NV)
Mary Morley	Frank Akutowicz	Judith Hurwitz
Pat Press	Joe Patterson	Art Hurwitz
Bill Press	Pat Patterson	Paul Thompson
Susan Rohrbach	Cecelia Vore	Gene Shaw, Jr. (NV)
Edward Rohrbach	Carl Falco	Michael Curtis

Minutes of the June meeting were approved as read.

A moment of silence was observed to commemorate the lives of three valuable members of our community who have died since the last meeting: Ruth Shaw, Frank Herzog, and Anna Harrison.

COMMITTEE REPORTS

Trustees - Cy Liberman

No rent payers are currently in arrears. The tax bill of \$93,000 will be paid by the end of the week. Our checking account is in a money market fund drawing 11% interest. The financial report is on file.

The Trustees and the County are insisting that Robert Hicken reconvert his illegal apartment back into a garage before the property is sold.

Auditing Committee - Alton Dahl (report on file)

The revised report deals with two questions raised by Carl VonDreele, Auditor.

- 1) The propriety of adding money to the Civic Reserve Fund in a deficit budget. The Auditing Committee feels that the town budget, passed by referendum, planned a deficit budget. We are not spending money we do not have or that we did not plan to spend. The referendum carried the note that unspent Civic money was to be carried over into the reserve fund. This carry-over plan is useful since this committee spends money in large sums and needs a reserve fund to draw upon to cover possible emergency situations. We have no quick method for freeing emergency funds; if there were no reserve we would have to hold an emergency referendum.
- 2) We are not showing the actual amount spent by the Civic Committee. The Audit report has been changed to show the actual amount spent. A different procedure has been recommended to the budget committee this year.



Assessors Minority Report - John Grimaldi

We, the undersigned, present a Minority Assessors' Report to the Town Assembly. Our proposal is a single rate for all Arden leased land. The rate would be 42.71 per M sq. ft. All factors, sliding scale rate and domicile rule would be eliminated. We feel that this would return absolute fairness to the Arden assessment and would eliminate the inequities generated by the present system. Signed by John Grimaldi and William Press.

This report requires a 2/3 vote of the Assembly in order for it to appear on the November referendum.

Discussion:

- Would the commercial factor for apartments be stricken? Yes.
- Town expenses are not based on square footage but on the number of people living on a leasehold. The suggestion is not appropriate to the town budget.
- The report is inconsistent with single tax philosophy which does not hold that all land is of equal value. Large lots are an asset to the town, they preserve open space. This plan would be an incentive for large leaseholders to subdivide. Smaller lots are of greater sq. ft. value because of the zoning restriction which allows only one house per lot.

Minority Report rejected by a vote of 32 nay, 6 aye.

Buzz Ware Village Center Committee - Yvonne King reporting for Susan Rohrbach, Secretary of the Committee.

The BWVC Committee has met on a regular monthly basis at the Village Center. Our next scheduled meeting is October 15.

Outdoor lighting behind the school has not been replaced by Delmarva Power as approved by the June Town Meeting. Marie Dugan met with a Delmarva representative and was told support poles must be erected 25 feet from the Village Center to meet the requirements of sodium lighting construction. This committee rejected such construction. At this time we are approaching private electricians for estimates of costs of new lighting and a service contract to maintain such lighting. Maintenance and construction are to be paid by WMA.

Long term study of BWVC building is to be undertaken by Long Term Community Planning with full aid and cooperation of the BWVC Committee. Such a study will investigate and debate all aspects of Village Center use.

Review of WMA Operation and Maintenance: BWVC Committee is requesting a full review of WMA operation and maintenance expenses. Such a review is required by the Cooperation Agreement, item 12. This review is very important to BWVC Committee because of our maintenance agreement and our custodian employment is directly related to WMA's ability to bear an increased maintenance funding.

Women's group is sponsored and will meet at the BWVC beginning Tuesday, Oct. 2, 8 PM and every Tuesday thereafter. We intend the group to be an informal meeting place for women of the three Ardens. Please join us.

Request by WMA to build a temporary enclosure over the office area has been received. The enclosure will be in place during the school year and will be removed for summer months. A telephone will remain on the stage for community members use during evening meetings. WMA feels such a construction is important because of



the break-in which occurred the evening of the 1984 Arden Fair. \$3,500 of equipment was stolen from the school. Work for this enclosure will begin upon approval of this committee.

Locks have been changed on all doors of the BWVC. Though each committee member has a key, keys can be obtained for long term or short term use from Sarah Moore, BWVC scheduler. We encourage members of the community to use the center as much as possible.

#### Discussion:

Why do we need an in-depth study of BWVC uses at this time? The WMA newsletter stated that they are looking for another site. It was pointed out that the cooperation agreement has 8 years left to run and that WMA is required to give 2 years notice if they plan to leave. WMA is doing long term planning.

It has been rumored that one BWVC Committee member, who has been inactive for the past year, has verbally resigned. Will she be replaced? No written resignation has been received.

Moved that if a proper committee resignation is obtained, the nominee last defeated at the March election should fill the term of office.

Motion passed unanimously.

#### Civic Committee - Gail Rinehart

We signed a snow removal contract for the coming winter with the same contractor that was employed last year. Cost has been increased by \$1 per hour.

A reminder to call Paul Thompson when you have problems with the current trash collector.

We are still having problems on Meadow Lane with the current owner of the former Kelly property, Mr. Robert Hitchens. A letter was sent on August 9 requesting that the residents refrain from crossing the Arden right-of-way in an area that is not designated as a driveway. The letter also informed the residents that, once again, we will be blocking off the area. The Safety Committee has agreed to post no-parking signs in the area once we have the area blocked off. Hopefully the rocks will be in place by the end of this week.

The pillar in the Open Air Theater is almost complete. The new pillar requires one more coat of cement. Then both pillars will be sealed to prevent further damage to the original pillar and to match the color of the pillars.

We ran an ad in the September issue of the Page for some work we need to have done around town but for which we do not want to hire a formal contractor. I am happy that we have had a response to this ad.

We have some roadwork in progress, please drive carefully.

We will have some tree work in progress toward the end of October to get rid of about 4 dead or dangerous trees and many dead and low-hanging branches that are over the town rights-of-way.

We granted permission to WMA to install a textured flagstone walkway from the front walk around to the double doors on the module under the condition that:

- 1) The flagstone be set into the ground to minimize maintenance problems.



- 2) The walkway comes under the same agreement conditions as the modules; i.e. it must be removed and the ground returned to the original condition should WMA move out of the building and the town choose not to retain the walkway.
- 3) We requested WMA to inform us of the anticipated width of the walkway prior to installation as we felt the town would not want a wide path.

#### The Garbage Contract

In anticipation of the need to present a figure for the March 85/86 garbage contract for consideration in the budget tonight, Paul Thompson contacted Laxton. Mr. Laxton responded with the following figures:

1. twice a week at the house - \$43,500
2. twice a week at the curb - \$28,000
3. The special Spring town clean-up - \$350 per load. Last year there were 4 loads which would make an approximate figure of \$1,400 - double the cost of last year.

Our current cost for garbage collection is \$27,500 for twice a week at the house. Essentially he is raising the cost of service \$16,000.

We have made repeated and serious attempts to talk with Mr. Laxton. To date he has not returned our calls although I have been told by his office that he is interested in retaining the contract. We will continue to press for a clarification and discuss the situation as to what has prompted Mr. Laxton to ask for such a dramatic increase in price.

On the assumption that there could be some major difficulties in coming to an agreement with Mr. Laxton, we did solicit bids from 2 other contractors - Sonaire and Bandurski. We have received a bid from Sonaire for \$40,000. This price represents service as follows: twice a week at the curb for all residents without containers plus the dumpster and barrels on the Greens. We have not received a bid from Bandurski. With the situation as it currently exists, the Civic Committee would like to make the following recommendation:

1. We reject the figure of \$43,500 from Laxton at this point. It appears to be an unreasonable price increase and we have not been able to discuss the situation with the contractor.
2. We continue to solicit bids for the March 85/86 contract period.
3. We continue to try to reach an acceptable agreement with Laxton.
4. We set a limit of \$30,000 in the budget with the understanding that the committee will do its best to secure a contract within the limits set but without a guarantee that this can be done. At this point that figure may be unrealistic.

#### Discussion:

Part of the price increase must be due to the anticipated 30% rise in landfill cost.

How about looking at recycling our trash?

The town has consistently voted for town garbage collection. It is convenient, cheaper, deductible on our income taxes, and minimizes heavy truck traffic on our roads. Laxton's bid for behind-the-house service is out of line, the differential between behind-the-house and curb service should be no more than \$7,000. However, Laxton is the only contractor willing to provide this service.

It was recommended that the garbage contract budget should be raised to \$35,000 to allow the committee more negotiating leeway.



Raising the budget figure poses the danger of making public how much we are willing to spend. However, if the committee cannot negotiate a contract for \$30,000 another referendum would be needed to raise the budgeted amount.

Civic Committee conferred and recommended staying with the \$30,000 figure.

#### Community Planning Committee - Cecelia Vore

The committee met twice since the last town meeting.

Work on an update of the Arden Book is proceeding. Rae Gerstine recently discovered two more boxes of the book, so we have plenty for our current needs.

In a letter of July 16, the Trustees requested that we review the rules on burial in the Memorial Garden. We concluded that an addition to the rule regarding former residents would be helpful. This rule now reads: "Former residents of the Village of Arden may be considered for burial in the Garden upon survivor's application through the Garden Representative."

To this we would add: "In cases of uncertain eligibility, the Garden Representative will appeal to the Community Planning Committee for a decision."

At the January Town Meeting, the committee presented a plan for landscaping the pond area of the Memorial Garden. The general design of that plan was approved by the Assembly and the committee was instructed to estimate the construction costs and develop a strategy for the actual construction. We now have that estimate and construction plan, and will present it under old business.

#### Discussion:

Some felt the current burial policy was not definitive enough. What is the definition of a resident? Someone who has lived here for six months regardless of age. Though adult residency can be checked through the Secretary's registration files, children would not appear there. What if there are not enough Community Planning Committee members in town when the need for a decision arises? The burden of proof of eligibility should rest with the applicant.

We don't want a heavy complex of rules governing this policy. We need to be flexible and sensitive on this issue. Any two committee members and the Garden Representative should have final decision making powers.

The committee's report was adopted with the request that they study the matter further and discuss it again at the January Assembly.

#### Playground Committee - Larry Walker

During the past quarter, the required monthly inspections were made on all playground equipment. Any worn parts were replaced or repaired. The six-foot high basketball backboard on the Sherwood Green was removed in September. The backboard supports had been used by the children as a jungle gym, and the constant improper use of the equipment constituted a safety hazard. The backboard was only infrequently used for basketball so the committee decided to have it removed.

A new basketball backboard and support stanchion have been ordered to replace the aged basketball backboard behind the BWVC. After the new equipment is received, it will be installed, hopefully in time for basketball season.



After the September monthly inspection is completed, the maintenance inspection records kept by the Playground Committee will be audited by the Audit Committee. This annual audit is a town requirement to ensure that the Playground Committee is properly carrying out its duties.

#### Registration Committee - Virginia Shaw

At this Assembly 396 residents are entitled to vote.

The Committee wishes to remind all Ardenites over 18, of six months or more standing, that in the next few weeks each will receive, by mail, an envelope containing separate ballots for election of Assessors, approval of the budget, and any additional question which may have been submitted for referendum. There will be a sheet of instruction. Please read them carefully. Most important of these are:

- 1) to sign and also print your name on the indicated lines on the return envelope
- 2) to use numerals in voting for assessors
- 3) see that your ballot is returned to the committee by mail or in person before the indicated deadline.

We urge all residents to inform themselves carefully on the issues and to VOTE. A large representation is essential to make the town's complicated electoral process work.

#### Safety Committee - Tom Colgan

The committee has not met formally since the May meeting but did have contact by telephone. With the assistance of the Summer Youth Employment Program staff, traffic signs were replaced around the Arden Greens and at Orleans and Millers Rds. Shrubbery was cut back where visibility of signs was obstructed. A number of traffic signs were purchased for this job and for future use. We intend to install "no parking" signs on Meadow Lane where residents have been cutting across Arden property to their lots.

#### Budget Committee - Carl Falco

The proposed budget for 1985/86 was presented.

The anticipated income will be \$184,900. Non-budgetable expenses are expected to be \$119,200. Budgetable Expenses:

Roads	\$10,000
Commons and Forests	12,000
Civic Committee Reserve	0

(Civic Committee Reserve as of March 25, 1984, was \$20,613.

The Budget Committee proposed that starting with the 1985/86 budget, money budgeted for Roads and Commons and Forests, but not spent, will no longer be put into the Civic Committee Reserve. Instead, a separate line item on the budget will be used to replenish money spent from a prudent Town approved Civic Committee Reserve.)

Trash Collection	35,000
(raised from \$30,000 by a vote of 25 aye, 10 nay)	
Special Clean-up	1,400
(raised from \$600 due to Laxton's bid)	
Playground Committee	1,100
Safety Committee	1,100



Registration Committee	1,500
(raised from \$1,100 due to announced postage increase in January)	
Community Planning	100
Memorial Garden Pond Project	3,950
Village Center Committee	500
(raised from \$300)	
Salary, Assembly Committee	2,500
Salary, Treasurer	750
Gild Hall Rental	400
Donation, Arden Library	300
Donation to Claymont Fire Co.	500
(lowered from \$600. We do not wish to give the impression of support for Claymont in their battle with Hanby Corners. At the same time we are aware that this is our serving company and we do not wish to jeopardize our service.)	
Donation to ACRA	400
Donation to Arden Page	200
(raised from \$100. We have not increased our support for some years and costs are rising.)	
Contingencies	1,000
Donation to Hanby Corners	250
(added to the budget in support of their struggle to attain Fire Co. status.)	

A donation to the Historical Society of Delaware was proposed since they keep our old town records. It was decided that this cost should come out of the Trustee administrative fund.

Budget accepted as amended.

#### OLD BUSINESS

Moved by Tom Colgan for Safety Committee that Ordinance #12 be reinstated. The ordinance reads: No person or group shall sleep or camp overnight on the Greens or other Commons in Arden. The forests of Arden shall be closed to all persons from dusk until dawn, except individuals or groups with written permission from the Civic Committee.

Motion passed.

Moved to amend section #3 of ordinance #12. Section #3 now reads: This ordinance will expire at the September 1983 Town Assembly unless extended at that time or at succeeding September meetings for one year. The proposed amendment would read: This ordinance will continue in effect until rescinded by Town Assembly.

#### Discussion:

Wouldn't it be better, instead of amending the ordinance, to make sure the ordinance review is made a regular part of each September Town Assembly agenda? This way, the need for it will be discussed yearly.

Proposed amendment rejected. Ordinance #12 will be reviewed annually at the September Town Assembly.

Second reading of proposed amendments to Ordinance #13.

• All residents must park on their leaseholds and not on the



streets of Arden.

- Regular overnight parking on Arden Street rights-of-way is prohibited.

The word regular, in the second amendment, was changed to continual. The amendment now reads: Continual overnight parking on Arden Street rights-of-way is prohibited.

Nominations for the Board of Assessors: Bill Press, Carl Falco, John Grimaldi, Harold Monfort, Alton Dahl, Gene Shaw, Bernard Brachman, John Hewlett, Lee Starr, Don Holcomb, James Schwaber, William Theis, William Bailey, Shaul Gladstone, Elizabeth Varley Walker.

#### Community Planning Memorial Garden Plan - Cecelia Vore

This is a plan developed over the last year and a half to landscape the low-lying "pond" area of the Memorial Garden defined by the existing low stone wall. Our concerns were beauty, ease of maintenance, alleviation of the mosquito problem due to the dampness of the area, the effect of any construction on drainage, and--of course--cost.

Since the January Town Meeting, we reviewed the plan with the Civic Committee, discussing the maintenance the area would need and the effect on foreseeable projects such as drainage control of runoff from the Highway and the possible need to fill in the existing well near the springhouse. We also spoke with Bob Pollock, Gildmaster of the Arden Swim Gild regarding the pool's current practice of discharging pool water into the pond. In light of these discussions, we developed a final plan to present to the Assembly. This proposal is as follows:

Six inches of topsoil will be removed from the pond area and the existing wall will be broken up. Stone from this wall will be used to line the course of the existing stream and to build a new, smaller wall to form a new pond near the existing dam and footbridge. This new wall will be porous and will contain 2 short underground pipes--one to help conduct water from the existing stream and one for runoff from the direction of the Highway. The pipe from the swimming pool, which now empties in front of the dam, would be extended underground and beneath the new pond to empty below the footbridge. The entire area will be graded to lead water toward the new pond. Except for the new, smaller pond, the area will be filled with porous material (bank run, with 3/4" crushed stone also used along the course of the existing stream). Topsoil will be spread over the porous material, including the stream, and seeded with grass.

The estimated cost of the project is \$3,950. This figure includes porous material, grass seed, mortar, pipe, hiring a stone mason and a backhoe and operator, the cost of supervision of unskilled labor from the Summer Youth Employment Project, rental of a gas-driven pump, and a 10% contingency fund. The committee recommends that construction be done during the summer of 1985, and estimates that it will take two weeks to complete.

The project would be overseen by the Community Planning Committee in their capacity as guardians of the Memorial Garden. The Civic Committee would be involved in any aspects affecting the routine maintenance of the project. The Community Planning Committee would also contact all appropriate parties to determine who



shall bear the cost of extending the pipe from the swimming pool beyond its existing length.

Moved that the Town Assembly approve the aforementioned plan for landscaping the Memorial Garden and that the assembly allow the Community Planning Committee to enter a special line item of \$3950 into the 1985/86 budget for the project. If the town approves the budget, the project may proceed.

#### Discussion:

Will the small pond also be a mosquito breeder? It shouldn't be, the water flow should be better so the pond will be flushed out and not become stagnate.

Perforated pipe should be used in the area in addition to gravel. The pipe would only be used to take away overflow, it would not change the percolation. The committee voted to use only stones. It is a simpler solution and will not require as much engineering.

#### Motion approved

### NEW BUSINESS

It was suggested that we send a letter to Claymont Fire Co. explaining our reasons for not raising our donation. It might be helpful to let them know our specific concerns.

#### Discussion:

Would such a letter jeopardize our fire protection service? Claymont is already aware of our community support for Hanby Corners. Some residents are happy with their ambulance service. Who would word such a letter?

This letter deserves careful thought and wording, it should be referred to a committee.

Action on this matter was deferred until the January meeting.

Moved that in the event Hanby Corners Fire Co. wins its suit and becomes our serving company before our donation is made, the budget committee be empowered to transfer our donation to the serving company.

#### Motion Passed

### GOOD AND WELFARE

Lisa Taylor reported that she expects to be able to get a replacement for the "You Are Welcome Hither" stile sign.

The Secretary was instructed to send letters of condolence to The Shaw, Herzog, and Harrison families.

Mickael Curtis announced the showing of the single tax film A Tale of Five Cities in the BWVC on Oct. 4 at 7:30 PM.

Meeting Adjourned.

*Sarah A. Hamblinger*